

## STATUTORY INSTRUMENTS

# 2020 No. 395

## The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

### PART 3

#### Postponement of local polls and referendums

##### Local polls under the Local Government Act 2003

**11.**—(1) Where a poll under section 116 of the Local Government Act 2003<sup>M1</sup> (local polls) (“the 2003 Act”) is to be conducted during the relevant period the poll is instead to be conducted on the ordinary day of election in 2021.

(2) Paragraph (1) does not apply in relation to a poll that has been held, pursuant to section 116 of the 2003 Act, on a day during the antecedent period.

##### Commencement Information

**11** Reg. 11 in force at 7.4.2020, see [reg. 1](#)

##### Marginal Citations

**M1** 2003 c. 26.

##### Local authority governance change referendums

**12.**—(1) A referendum under section 9MB of the 2000 Act (requirement to hold and give effect to referendum)<sup>M2</sup> that would otherwise be held, or have been held, during the relevant period is to be held instead on the ordinary day of election in 2021.

(2) A referendum that, pursuant to regulation 16 of the 2011 Regulations (timing of referendum in consequence of valid petition), would otherwise be held, or have been held, during the relevant period is to be held instead on the ordinary day of election in 2021.

[<sup>F1</sup>(3) Regulation 9 of the 2011 Regulations (validity of petitions) is to be read during the relevant period as if that period were to be disregarded for the purposes of calculating the period of 12 months mentioned in paragraph (5) of that regulation.

(3A) Subject to paragraph (3B), for the purposes of the 2011 Regulations a petition presented to, or received by, a local authority on any day during the period beginning with 16th March 2020 and ending with 8th February 2021 is to be treated as having been presented or received on 9th February 2021.

(3B) In relation to a petition mentioned in paragraph (3A), for the purposes of satisfying himself or herself of the validity of the petition in accordance with regulations 9 (validity of petitions) and

11 (procedure on receipt of petition) of the 2011 Regulations, the proper officer must use the version of the electoral register (or versions of the registers) which had effect for the area on the day during the period beginning with 16th March 2020 and ending with the 8th February 2021 on which the petition was presented to the authority.]

(4) Paragraphs (1) and (2) do not apply in relation to a referendum that has been held on a day during the antecedent period.

(5) In this regulation “the 2011 Regulations” means the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 <sup>M3</sup>.

#### Textual Amendments

- F1** Reg. 12(3)-(3B) substituted for reg. 12(3) (9.2.2021) by [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/52\)](#), regs. 1, 3

#### Commencement Information

- I2** Reg. 12 in force at 7.4.2020, see reg. 1

#### Marginal Citations

- M2** Sections 9MB and 9MC were inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c. 20\)](#).  
**M3** [S.I. 2011/2914](#).

### Neighbourhood planning referendums

**13.—(1)** A referendum that, pursuant to regulation 2A of the Neighbourhood Planning (Referendums) Regulations 2012 <sup>M4</sup> (date by which referendum must be held), would otherwise be held, or have been held, during the relevant period is to be held instead on the ordinary day of election in 2021.

(2) Paragraph (1) does not apply to a referendum that has been held on a day during the antecedent period.

#### Commencement Information

- I3** Reg. 13 in force at 7.4.2020, see [reg. 1](#)

#### Marginal Citations

- M4** [S.I. 2012/2031](#) amended by [S.I. 2016/934](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, PART 3.